



# ADJOURNED CITY COUNCIL MEETING

## MINUTES

**October 14, 2003**

### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in an adjourned session at the San Bruno Senior Center 1555 Crystal Springs Road, for the purpose of presenting the 7<sup>th</sup> Annual Beautification Awards. The meeting was called to order at 6:30 p.m.

### **ROLL CALL:**

Present were Mayor Franzella presiding, also attending were Vice Mayor Pallas, Councilmembers Ruane, O'Connell, and Ibarra. Recording by City Clerk Simon.

### **PRESENTATION:**

Mayor Franzella turned the meeting over to **Councilmember O'Connell**, Chair of the Beautification Task Force. Special recognition was given to Deputy City Clerk Hasha for her assistance with the award program. Task Force members were introduced and Councilmember O'Connell concluded the special awards ceremony for the "**7<sup>th</sup> Annual Beautification Awards**", sponsored by the Environmental & Recycling Committee and the Beautification Task Force. Residents and businesses were recognized for their efforts to improve the quality of life in our community by enhancing the physical and aesthetic environment. **Councilmember O'Connell** presented plaques and certificates to 40 winners.

**Mayor Franzella** thanked all winners for participating and congratulated the Beautification Task Force on such a successful program.

### **ADJOURNMENT:**

With no further business to transact, the City Council adjourned meeting at 6:50 p.m. to the regular meeting scheduled at 7:00 P.M.

The foregoing minutes were approved  
by the San Bruno City Council at a  
regular meeting held October 28, 2003.

Respectfully submitted for approval,

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Ed Simon, City Clerk

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Larry Franzella, Mayor



# SAN BRUNO CITY COUNCIL MEETING

## MINUTES

October 14, 2003

### THIS IS TO CERTIFY THAT:

The San Bruno City Council met in Regular Session at the San Bruno Senior Center at 1555 Crystal Springs Rd. The meeting was called to order at 7:15 p.m.

### ROLL CALL:

Present were Mayor Franzella presiding, also attending were Vice Mayor Pallas, Councilmembers Ruane, O'Connell, and Ibarra. Recording by City Clerk Simon.

### PLEDGE OF ALLEGIANCE:

Mayor Franzella asked Deputy City Clerk Vicky Hasha to lead us in the Pledge of Allegiance.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

### ANNOUNCEMENTS:

- a. San Bruno Redevelopment Agency** meeting will follow tonight's City Council meeting in order to hold a public hearing to review the Agency's Redevelopment Plan and the Five-Year Implementation Plan.
- b. Project Pride's Halloween Parade** members provided an update on an alternative location to Tanforan Mall. **Mayor Franzella** announced that this year's parade would be held at the Recreation Center building in City Park since Tanforan Mall is under construction. Event date will be Friday October 31, 2003, starting at 3:30 p.m. with same format as in past years.
- c. Memorial Bench Unveiling** for former City Clerk Terri Rasmussen will be held on Wednesday October 22, 2003, at City Hall from 5:00 to 6:00 p.m. (Public is invited to attend)

### REVIEW OF AGENDA:

City Attorney Thompson requested a closed session item be added to the agenda since anticipated litigation and need to take action is immediate. Item would be anticipated litigation Gov't Code Section 54956.9. **M/S Ibarra/O'Connell** to add item to agenda and passed with unanimous vote.

**APPROVAL OF MINUTES:** For the regular Council meeting of Sept 23, 2003. Approved as submitted.

### CONSENT CALENDAR:

- a. Approve: Payroll** of September 26, 2003.
- b. Approve: Accounts Payable** of September 15, 22, & 29, 2003. (Council Packets only, copy is available for review at the City Clerk's office)
- c. File:** Letter dated September 23, 2003, from Community Development Director George Foscardo, to Billie Blanchard, CPUC, responding to technical comments on the proposed Jefferson-Martin 230kV Transmission Line Project draft environmental impact report (DEIR).
- d. Accept:** Recommended by Acting Fire Chief Dan Voreyer, Council acceptance of FEMA assistance to firefighters grant in the amount of \$9386 for purchase of portable radios for the San Bruno Fire Department.

**Mayor Franzella** pulled Item 4d.

**M/S Ruane/O'Connell** to approve remainder of the items and passed unanimously.

**Item 4d:** **Mayor Franzella** pulled this item to show appreciation to the Fire Department for the extra effort to process and achieve this grant request. **Acting Fire Chief Dan Voreyer** explained the process and

credited **Battalion Chief Pat Sweeney** with the department's successful grant request. FEMA Region No. 9 **Fire Program Manager Doug Woods** was introduced and congratulated the San Bruno Fire Department on winning this grant request. **M/S Ruane/O'Connell** to accept this grant and passed unanimously.

**PUBLIC HEARINGS:** None

**Notice of upcoming Public Hearing to be held October 28, 2003:**

**Note:** These items were originally set for the October 14, 2003, Council meeting; however, due to noticing requirements, they were rescheduled.

a. Planning Commission recommendation to **amend the Zoning Ordinance** pertaining to "Drinking Establishments", including among other things, revising and creating new definitions, establishing performance standards and mandatory findings, and making "Drinking Establishments" conditional uses in all zoning districts in which they are currently allowed or by adding "Drinking Establishments" as conditional uses in other non-residential zoning districts. "Drinking Establishments" include all bars, cocktail lounges, taverns, and designated areas within eating establishments that provide a separate bar or area in which alcoholic beverages are served and consumed.

b. Introduction and **first reading of San Bruno Ordinance No. 1685** which establishes performance standards for alcoholic beverages sales and adds Chapter 5.22 to Title 5, (Nuisances) in the San Bruno Municipal Code.

**UNFINISHED BUSINESS:**

**City Attorney Thompson** responded to City Council request to provide information on the parameters and procedures pertaining to increasing salaries of Councilmembers. Because of the time required to process the ordinance increasing Council salaries, it would not be effective until December 2003 and would not be payable until the new Councilmembers took office in November of 2005.

**Vice Mayor Pallas** stated that the Council is allowed 5% per year by law, which amounts to \$48.00 per month. Paying a higher salary may encourage other citizens to run for office.

**Vice Mayor Pallas made motion to proceed with the ordinance to increase Council salaries. Motion failed for lack of a second.**

**Councilmember Ibarra** stated we have two years to bring this proposal back and takes exception to comments that Council sometimes-waste money.

**Mayor Franzella** feels the Council is entitled to the raise; however, this is the same Council that will be making cuts and program reductions, and this action would send the wrong message. He did not run for his office for the money.

**Councilmember Ruane** stated we are looking at heavy budget cuts now and more to come; hopefully, things may change in the future.

**City Attorney Thompson** presented draft agreement for City Council approval which is needed to defer the payments conditioned in PDP (Planned Development Permit) 020-02 Re: **Tanforan Park Shopping Center, LLC**. Council approved the fee deferral at its August 12, 2003, Council meeting. Since the agreement was written meetings have been held with Tanforan legal staff Attorney Les Hausrath and staff is still working out a few points. Tanforan will be seeking an extension to the permit process. Tanforan must make a good faith effort such as an immediate \$223,000 fee installment, demolition of the Bank building on El Camino Real no later than November 30, 2003, and address the blighted empty Firestone Tire Store, and execute documents to dedicated property so El Camino Real can be widened. In addition we will require repayment of attorney fees and cost of staff time to work out this agreement. There is no action to take during this meeting.

**Vice Mayor Pallas** was concerned that the fee for the Culture & Arts Commission of 7% was not being addressed.

**Assistant City Manager Rogers** clarified that we are discussing development fees for the traffic and Stormwater mitigation. The \$223,000 is only a down payment on area wide traffic and Stormwater fees.

Mayor Franzella asked **Mr. Les Hausrath** to address the Council. He has been involved in the BART litigation since 1992 but just brought in to help with the development process. The biggest issue has been obtaining a project loan and while Lehman Brothers had approved at one time they now have canceled their commitment. There is a new loan in process and it should be secured soon and that will move this project forward. Tanforan should be in a position to have a mutually agreeable fee agreement in place within 10 days and is willing to work with the City to get this project done.

**Councilmember Ruane** said Councilmembers have been bombarded by calls from residents who want this project done so they can get into the Mall and shop. When will we see shovels in the ground? Mr. Hausrath said he could not give an answer to that question. It depends upon the loan closing but that could take 6 to 8 weeks maybe longer. After the first of the year would be a logical start date.

**Councilmember Ibarra** questioned whether the loan amount is being reduced or if this will affect the actual project that was presented to the City? Mr. Hausrath replied that no reduction in the project is planned.

**Mayor Franzella** asked the City Attorney to break down all fees, including permit cost, and mitigation fees when the agreement comes back to the Council.

**Councilmember Ibarra** said a message must be sent that future delays will not be acceptable. Mr. Hausrath said that BART has appealed the court decision and no funds have been granted to Tanforan and the land title will not change until this lawsuit is settled.

**City Manager Connie Jackson** stated this agreement could be structured in a manner to achieve the Council's objective and will address the fees applicable to this project.

#### **CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS: None**

#### **COMMUNICATIONS:**

Letter dated September 28, 2003, from **Alan Lubke of Fleetwood Drive**, to Councilmembers with his comments and concerns regarding **BART signage** on Northbound and Southbound Huntington Avenue.

#### **STAFF REPORTS:**

**Human Resources Manager Ann Ritzma** recommended that the City Council introduce and adopt a resolution amending the current hourly salary of the Per Diem Police Dispatch salary schedule. The hourly rate would increase from \$27.22 to \$35.00. Roll call vote. Ann Ritzma spoke on behalf of the Police Department. The Per Diem Dispatcher is the most cost effective way to staff but the current pay rate has not allowed the City to attract and retain qualified dispatchers.

**Councilmember Ruane introduced the resolution for adoption and roll call vote taken with all ayes.**

#### **REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

#### **PUBLIC COMMENT ON ITEMS NOT ON AGENDA**

**Rose Urbach Euclid Avenue** concerned that the former Wells Fargo site on San Mateo Avenue should be used as commercial retail only and not for park use. Do not chop it up.

**Harry Costa, Chamber of Commerce CEO** announced the annual San Mateo County Expo on October 15, 2003. The San Bruno Chamber will be distributing material to all visitors promoting shopping in San Bruno. Sample bags were given to all Councilmembers.

**Alice Foster of Alpine Way** presented a petition to the Council from area residents opposing the rezoning of Sky Crest Shopping Center in order to put in housing. She believes the owner of the Center has intentionally neglected this area and allowed it to become blighted. Additional residential and mixed-use will cause traffic problems. The Lanardi's Market is a great neighborhood market, which draws customers from Millbrae and South San Francisco. She requested that the petition also be given to the San Bruno Redevelopment Agency.

**Mayor Franzella** confirmed copies would be made for the Redevelopment Agency members.

#### **REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

**City Clerk Simon** recommended the City Council take the following action;

Set time and date to interview applicants for the Culture & Arts Commission and the Caltrain Citizens Advisory Committee. An Interview meeting was set for October 28, 2003; at 6:30 p.m.

**Mayor Franzella** was concerned that a number of the applicants were already serving on another committee and requested the City Clerk contact the applicants to make sure they are aware that they would give up their current appointment if selected for this new commission. **Mayor Franzella** stated that since this was a new commission, terms should be set at 1, 2, or 3 years to allow more members of the public to apply if they wished to serve. He requested the Ad Hoc Committee for Culture & Arts bring back a recommendation for terms before members are appointed.

**Councilmember O'Connell** said lots could be drawn for 2 or 4-year terms similar to the procedure used for establishing other new boards and commissions.

**Mayor Franzella** said he was not seeking term limits but members should re-apply after the Clerk advertises a notice of vacancy for any term expiring and if there is not someone more qualified they could be re-appointed.

**Councilmember O'Connell** said we should apply the policy to all committees as terms expire.

**Mayor Franzella** requested staff report back on their recommendations on terms for the New Culture & Arts Commission and that the Council Ad Hoc Committee on Boards and Commissions (Ibarra/O'Connell) report back on their recommendations for terms effecting the other committees, boards, and commissions. He also authorized posting of "**Notice of Vacancy**" for the Bicycle & Pedestrian Advisory Committee to replace Daniel J. McCarthy who has resigned. Clerk was directed to post notice.

It was also recommended that the Mayor consider having a Council discussion and give direction on rescheduling the November 11, 2003, Council meeting since it falls on a holiday "Veterans' Day" and selection of a date for the installation of the newly appointed Councilmembers including the selection of Vice Mayor. **Monday November 17, 2003**, was selected for the first meeting in November, which will also be the date to swear in the newly appointed officials and selection of the new Vice Mayor.

#### **Oral Updates:**

**Beautification Task Force (O'Connell)** **Councilmember O'Connell** thanked the Council and staff for their participation in the Beautification Awards. The next meeting of the Beautification Task Force is scheduled for Thursday November 6, 2003, at City Hall starting at 5:15 p.m.

**Mosquito Abatement District** (Council representative Ibarra) **Councilmember Ibarra** provided an oral update to the public. The non-member Cities including San Bruno will be receiving ballots from the Mosquito Abatement District in November. The ballot measure is for a \$15 assessment for each property owner in order for the City to become part of the District and receive services. More information will be provided in a future update.

**Meeting was adjourned** to the Redevelopment Agency Meeting at approximately 8:45 p.m.

**Meeting was reconvened** to the City Council Meeting at approximately 9:05

**NEW BUSINESS: None**

#### **CLOSED SESSION:**

**City Attorney Thompson** requested closed session pursuant to California Government Code Section 54956.9 (pending litigation):

Mayor Franzella reported the following actions:

**a. City of San Bruno and ABAG Plan Corporation vs. Sutter Foam & Coating, Inc.**, San Mateo Superior Court Case No. CIV 422170.

**Council authorization was given to the City Attorney to settle the City and ABAG Plan Vs. Sutter Foam & Coating in the amount of \$57,000.**

- b. *Services Alliance Systems, Inc. vs. City of San Bruno*, San Mateo Superior Court Case No. CIV 434564; Council direction was giving to the City Attorney, on how to proceed.**
- c. *City of San Bruno vs. BART*, USDC Case No. C-03-04249 VW. Council direction was given to the City Attorney, on how to proceed.**
- d. Emergency item added to agenda, “Anticipated Litigation” Gov’t Code Section 54956.9. Council direction was given to the City Attorney, on how to proceed.**

**ADJOURNMENT:**

With no further business to transact, the meeting was adjourned at approximately 9:35 p.m. with a moment of silence in memory of

**MILTON WOODS**

who worked at the San Bruno Senior Center and had earned the respect and affection of the staff, volunteers, and visitors alike.

The meeting was adjourned to 6:30 p.m. on October 28, 2003, for the purpose of interviewing applicants for boards and commissions and thereafter to the regular City Council meeting October 28, 2003, starting at 7:00 p.m. (1555 Crystal Springs Road).

The foregoing minutes were approved  
by the San Bruno City Council at a regular  
meeting held on October 28, 2003.  
of October 28, 2003

Respectfully submitted for approval,

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Ed Simon, City Clerk

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Larry Franzella, Mayor